

### **REMARKS**

In the June 20, 2008 Office Action, claims 1, 2 and 6 stand rejected in view of prior art. No other objections or rejections were made in the Office Action. Claims 3, 4, 5 and 7-9 were withdrawn from consideration.

#### ***Status of Claims and Amendments***

In response to the Office Action, Applicants has amended claims 1, 4 and 8 as indicated above. Also, Applicants have added new claims 10-18 as indicated above. New claims 10-18 are directed to a refrigerator that includes the hermetic compressor set forth in claims 1-9, respectively. Thus, new claims 10, 11, 13 and 15 are believed to read on elected Species I illustrated in Figure 2, and new claims 12, 14 and 16-18 can be withdrawn from consideration as being directed to non-elected species. Claims 1-18 are now pending, with claims 1, 6 10 and 17 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Election of Species***

In numbered paragraph 1 of the Office Action, Applicants' election without traverse of Species I (Figure 2, claims 1, 2, 4 and 6) in the April 30, 2008 Response was acknowledged. Thus, non-elected claims 3, 5 and 7-9 were withdrawn from further consideration. Additionally claim 4 was withdrawn from consideration due to an error in the dependency of claim 4 (i.e., claim erroneously depended from claim 3, which was withdrawn). In response, Applicants have amended claim 4 to depend from claim 1. Thus, examination of elected claim 4 on the merits is respectfully requested.

Applicants have added new claims 10-18 as indicated above. New claims 10-18 are directed to a refrigerator that includes the hermetic compressor set forth in claims 1-9, respectively. Thus, new claims 10, 11, 13 and 15 are believed to read on elected Species I illustrated in Figure 2, and new claims 12, 14 and 16-18 can be withdrawn from consideration as being directed to non-elected species.

Applicants respectfully request that non-elected claims 3, 5, 7-9, 12, 14 and 16-18 be rejoined in this application upon allowance of a generic or linking claim, or claims in accordance with U.S. patent practice.

***Rejections - 35 U.S.C. § 102***

In numbered paragraphs 2 and 3 of the Office Action, claims 1, 2 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,277,564 (Tamura). In response, Applicants have amended independent claim 1 to more clearly define the present invention over the prior art of record.

In particular, independent claim 1 now requires, *inter alia*, a casing including a high pressure chamber, an intake pipe and a discharge pipe, the intake pipe supplying a refrigerant to the casing from an outlet of an evaporator, and the high pressure chamber communicating with the discharge pipe to supply high pressure refrigerant to a condenser; and a pressure reduction device which sucks gas refrigerant in the container member and sends out the thus sucked gas refrigerant to the intake pipe for reducing an inside pressure of the container member, the pressure reduction device being in fluid communication with the intake pipe at a location between the outlet of the evaporator and an inlet of compression mechanism.

Clearly, this structure is *not* disclosed or suggested by the Tamura patent or any other prior art of record.

The Office Action asserts that the rest of the refrigeration cycle in the Tamura patent forms a pressure reduction device as claimed. However, based on such an interpretation, the Tamura patent lacks *a pressure reduction device which sucks gas refrigerant in the container member and sends out the thus sucked gas refrigerant to the intake pipe for reducing an inside pressure of the container member, the pressure reduction device being in fluid communication with the intake pipe at a location between the outlet of the evaporator and an inlet of compression mechanism*.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claims 2, 4 and 6 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2, 4 and 6 include additional limitations, which in combination with the limitations of claim 1, are not disclosed

or suggested by the Tamura patent. Accordingly, withdrawal of the rejection of dependent claims 2, 4 and 6 is also respectfully requested.

*New Claims*

Applicants have added new claims 10-18 by the current Amendment. New claims 10-18 are directed to a refrigerator that includes the hermetic compressor set forth in claims 1-9, respectively. Thus, new claims 10, 11, 13 and 15 are believed to read on elected Species I illustrated in Figure 2, and new claims 12, 14 and 16-18 can be withdrawn from consideration as being directed to non-elected species.

New claims 10, 11, 13 and 15 are believed to be allowable because they require the hermetic compressor set forth in claims 1, 2, 4 and 6, respectively. New claims 10, 11, 13 and 15 are further believed to be allowable because they positively require other components of a refrigerator (in addition to the hermetic compressor) in a particular arrangement relative to the hermetic compressor.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-18 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

/Patrick A. Hilsmier/  
Patrick A. Hilsmier  
Reg. No. 46,034

GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444  
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